

DEPARTMENT OF BOATING AND WATERWAYS

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October 7, 2004

299801

Ms. Pat Williams, Project Manager
National Vessel Documentation Center
% Document Management Facility (USCG-1998-3798) - 19
401, 400 Seventh Street, SW
Washington, D.C. 20590-0001

Dear Ms. Williams:

On behalf of the California Department of Boating and Waterways, the state's recreational boating agency with responsibility to improve recreational boating access and providing a safe boating environment for California's recreational boaters, we would like to offer the following recommendations pertaining to the issues raised in docket number USCG-1998-3798, regarding the "Numbering of Undocumented Vessels." The Notice of Proposed Rulemaking, which reopened of comment period (FR/Vol.69, No. 155/Thursday, August 12, 2004, pp 49844-49845), requested all interested parties to address the three primary issues requested therein, concerning:

- "Who should administer a barge numbering system?"
- "What type of number should be required?" and
- "How much would the system cost?"

The stated purpose of the proposed regulation is to, "*control abandonment of undocumented barges that carry unauthorized toxic and hazardous cargo or waste.*"

We believe that the following recommendations on the first two issues, provided below, should serve to address the numbering issues addressed above with an eye towards solving the stated purpose of the notice.

RECOMMENDATIONS PERTAINING TO THE NUMBERING ISSUES ONLY

The Department offers the following recommendations pertaining to the issues of numbering undocumented barges, as noted above:

- RECOMMENDATION NUMBER ONE. Numbering of undocumented barges should be under federal jurisdiction,
- RECOMMENDATION NUMBER TWO: Numbering system should be developed by the Coast Guard.

DISCUSSION OF RECOMMENDATION NUMBER ONE

The documentation and numbering of barges would be appropriate for the Coast Guard for the following reasons:

(1) The purpose of the proposed regulation is to control unauthorized toxic spill and hazardous cargo or waste.

(A) The Coast Guard has the HAZMAT response units and the resources to detect and contain hazardous wastes.

(B) The Coast Guard can call on other state or federal agencies that specialize in hazardous waste removal.

(2) Since the undocumented barges are used exclusively for commerce, e.g., moving goods or products of the nation, this would be an appropriate area of jurisdiction for the Coast Guard to administer.

(A) Commercial vessels operate primarily on federally navigable waterways and would be required to be documented by the Coast Guard.

(B) Barges over 100 gross tons could not be transported easily to or access waterways that are under sole state jurisdiction.

DISCUSSION OF RECOMMENDATION NUMBER TWO

A numbering system developed by the Coast Guard would be universally identifiable by state, national and international enforcement agencies, and this would serve the intended goal of controlling the abandonment of undocumented barges that carry unauthorized toxic and hazardous cargo or waste.

(1) The Coast Guard has greater resources to track documented barges/vessels.

(A) If an out of state vessel is brought into California, law enforcement agencies would not have the same ability to trace the owner of the barge by the HIN of a vessel if it is registered in another state, whereas if a vessel is numbered under a federally developed numbering system, it would be ideal for this tracking the owner of an abandoned barge, if they live in another state.

(2) The numbering system developed should require that the number be permanently inscribed or etched in a hidden location for identification purposes, in case of abandonment. In addition to the number affixed to the outer portion of the barges' hull, in a similar manner to identification required for other documented vessels.

(A) State numbering systems, such as California's, do not lend themselves to assuring the vessels' manufacturers or owners have complied with providing the permanent inscription or etching of a hidden HIN, because the State has limited resources and available personnel qualified to perform this function.


(B) If the Coast Guard were responsible for the number placement, it could also develop a reference book to facilitate locating the placement of the hidden HIN for law enforcement agencies, so that they could readily track the owner of the abandoned barge from the Coast Guard database.

(i) The National Auto Theft Bureau (NATB) anti vehicle theft guidebook could be used as a national guideline for purpose of identifying or tracking abandoned barges, e.g., with the placement of a hidden Hull Identification Number (HIN) for law enforcement purposes only.

(ii) The NATB booklet is used by law enforcement agencies to locate lost or stolen vehicles the hidden vehicle Identification numbers (VIN), when the vehicle license plates and other visible identification has been removed. Individual states would lack the resources and database to undertake such a project.

We believe the foregoing recommendations would adequately address the numbering issues raised in this rulemaking. If you have any questions concerning these recommendations, please contact Mike Sotelo of my staff at (916) 263-0787.

Sincerely,

A handwritten signature in dark ink, appearing to read "Raynor Tsuneyoshi".

Raynor Tsuneyoshi
Director

RT:ms:ms